

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JUN 24 2008

In re application of

McCAUSLAND, Linda, Jane et al.

Serial No. 10/591,795

Filed: (September 6, 2006)

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\*  
\*  
\*

PCT LEGAL  
ADMINISTRATION

Attorney Advisor:

James Thomson

For: REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

REQUEST FOR RECONSIDERATION  
OF  
RULE 47 PETITION

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a response to the Decision dated 21 April  
2008.

Submitted herewith is a DECLARATION OF FACTS which has  
been executed by Peter T. Mansfield in accord with 18 U.S.C.  
1001.

In view of the stated facts and supporting documents  
attached thereto, taken in conjunction with the information in  
the submission of October 10, 2007, it is submitted that the  
application should now be accepted under the provisions of 37  
CFR 1.47 (Rule 47).

The joint inventor, Linda Jane McCausland's previous  
address of West Lafayette, Indiana is no longer current. On  
information and belief, she has now returned to the United

Kingdom and a suitable home address would be:

20 Shepherd Gardens  
Abingdon  
Oxon  
OX 14 5PR  
United Kingdom

RECEIVED

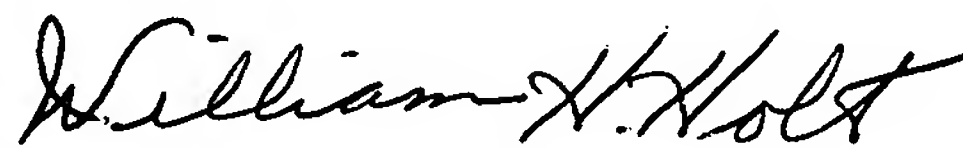
JUN 24 2008

PCT LEGAL  
ADMINISTRATION

Favorable action is courteously requested.

Respectfully submitted,

June 23, 2008 (Monday)



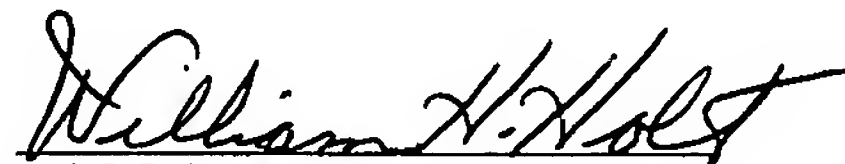
William H. Holt  
Reg. No. 20766  
Customer No. 25628

Law Offices of William H. Holt  
12311 Harbor Drive  
Woodbridge, VA 22192

Telephone: (703) 491-8880  
Facsimile: (703) 491-8444  
e-mail: [WilliamHolt@HoltLawOffices.com](mailto:WilliamHolt@HoltLawOffices.com)

Certificate of Mailing

I certify that this document is being mailed in an envelope address to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with postage prepaid for first class mail on June 23, 2008

  
William H. Holt

## DECLARATION OF FACTS

IN THE MATTER OF UNITED STATES PATENT APPLICATIONS:

Serial No. 10/591,795, McCausland, Linda Jane *et al.* – (File 15819)

Serial No. 11/571,718, McCausland, Linda Jane *et al.* – (File 15862)

Serial No. 11/629,894, McCausland, Linda Jane *et al.* – (File 15864)

Serial No. 11/571,688, McCausland, Linda Jane *et al.* – (File 15865)

\*\*\*\*\*

I, Peter T. Mansfield, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 United States Code, Section 1001, and that such willful statements, and the like, may jeopardize the validity of the respective applications and any resulting Letters Patents, declare:

That I am a Chartered Patent Attorney practicing in the United Kingdom.

That I am properly authorized to execute this Declaration on behalf of the owner, Accentus plc, of the above identified applications for patent and the inventions disclosed therein.

That I have first hand knowledge of the following facts, statements and documents.

That I have been and am presently involved with the prosecution of the above four identified U.S. Patent Applications and prior related PCT applications.

That Linda Jane McCausland, by the terms of her employment at the time of making of the inventions, and by virtue of United Kingdom law (where she was working at the time of making the inventions), is obligated to sign the papers for filing of the four application described above.

I attach bundles of papers extracted from our records for each of the highlighted cases. In each case the original application was filed as a PCT application, and was published as a PCT application, and the published PCT specification (which became the national phase document submitted for the US filing) including drawings and claims, was sent to all the respective inventors. Consequently a second copy of the specification was not sent along with the US papers for signature, as each inventor already had a copy.

The documents from our records are as follows (describing them in chronological order):

**15819 MdH:**

21 September 2005 mail book extract - PCT published specification sent to Linda McCausland

4 August 2006 covering letter sent to Linda McCausland with Declaration and Assignment

4 August 2006 mail book extract for sending these papers by courier

14 September 2006 note of my telephone conversation with Linda McCausland

19 September 2006 note of my telephone conversation with Linda McCausland

17 October 2006 note of my telephone conversation with Linda McCausland

17 October 2006 e-mail to Linda McCausland

18 October 2006 exchange of e-mails about payments with Linda McCausland

12 December 2006 note of my telephone conversation with Linda McCausland

18 December 2006 e-mail to Linda McCausland requesting update

2 February 2007 e-mail to Linda McCausland regarding signatures

It will be appreciated that from 30 October 2006 onwards the above exchanges actually relate to the cases 15819, 15864 and 15865; while from 30 December 2006 onwards they also relate to 15862 MdH.

**15862 MdH:**

19 January 2006 mail book extract - PCT published specification sent to Linda McCausland

22 December 2006 mail book extract for sending US forms and letter to Linda McCausland

22 December 2006 covering letter with papers sent to Linda McCausland

**15864 MdH:**

4 January 2006 mail book extract - PCT published specification sent to Linda McCausland

30 October 2006 mail book extract for sending US forms and letter to Linda McCausland

30 October 2006 covering letter sending US forms to Linda McCausland

**15865 MdH:**

19 January 2006 mail book extract - PCT published specification sent to Linda McCausland

30 October 2006 mail book extract for sending US forms and letter to Linda McCausland

30 October 2006 covering letter sending US forms to Linda McCausland

It will be appreciated that the last two items are the same as those under File 15864 MdH.

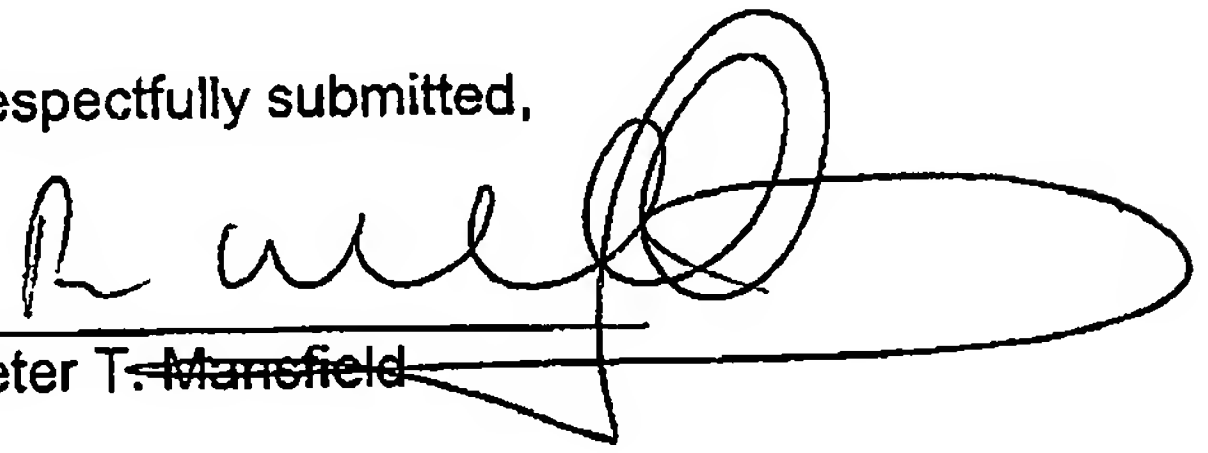
It will be evident from the telephone conversations and e-mail exchanges with Linda McCausland (provided above under 15819

MdH) that she has not refused to sign the documents; nor has she raised any reason why she should not sign them. But nevertheless she has not signed any of these documents over a period of almost two years.

In view of the foregoing, one must conclude that the conduct of Linda Jane McCausland constitutes a refusal to sign the application papers (MPEP 409.03(d)).

June 23, 2008

Respectfully submitted,

  
Peter T. ~~Mansfield~~

IN THE MATTER OF UNITED STATES PATENT APPLICATION  
Serial No. 10/591,795, McCausland, Linda Jane et al.

(File 15819)

✓  
Wednesday 21 September 2005

15935 TPCX Andiea Bennett  
Culham

Copy of e-Mail encl.  
Peng et al article, W002/093187  
GB 2402224, US 2003/0057918  
US 6157169, US 5936383,

15902 MdH Khaitan & Co.  
India

Conine  
letter encl. Certified  
copy of priority doc

15949 MdX Patent Office  
Newport

letter encl. formal  
drawings

15949 MdX km Bachelin  
Choleay

M. Feast } All  
B. Drew } Stanford  
L. Mitchell }  
R. Duggan }  
J. Huet }  
Enco

Blue covered copies

15902 MdX Eitan Law Group  
Israel

Conine  
letter encl. Certified  
Copy of Priority doc

→ 15819 MdH Linda McCaskand  
USA  
Mertin Fennell  
Ireland

Copy of PCT published  
spec. ←

15826 MdDe Matthew Carter  
Irish

" " "



## COURIER

Linda McCausland  
c/o SSCI Inc.  
3065 Kent Avenue  
West Lafayette  
IN 47906  
USA

Fugro House  
Hithercroft Road  
Wallingford  
Oxfordshire  
OX10 9RB  
United Kingdom  
Tel: +44 (0)870 402 1614  
Fax: +44 (0)870 402 1659  
www.ip-solutions.biz

Reference: 15819 MdH

4 August 2006

Dear Linda,

## REMOVAL OF SODIUM OXALATE FROM A BAYER LIQUOR

Further to your telecom with Peter yesterday, please find enclosed the following documents for filing a national phase patent application.

South Africa : Assignment: this needs signature and date of signing  
ARIPO : Assignment: this needs signature and date of signing  
OAPI : Assignment: this needs place of signing, signature and date  
Canada : Assignment: (in duplicate) these need place of signing, signature and date, these assignments also need witnessing.  
Brazil : Assignment: this needs place of signing, signature and date

USA: Combined Declaration: needs your signature and date in the boxes marked. Please sign with your full name "Linda Jane McCausland".

USA: Assignment: this needs your full signature on the back, with date and place as marked, and also needs two witnesses; each witness should also give their name in capitals, occupation, and home address.

**Please ensure that the USA Combined Declaration and USA Assignment are both dated the same day.**

I believe that you will be bringing these documents back with you when you visit the UK shortly. If you would like to give me a ring when you arrive I can make arrangements to pick them up or if you would rather you can send them by mail.

Yours sincerely,

**Frances Esplin  
Patents Administrator**

15983 MdOp

Nakamura &amp; Partners

Fax + Mail

1.6

15984 MdOp

Japan

Appn to register TM

15983 MdOp

Depanning &amp; Depanning

Fax + Mail

1.5

15984 MdOp

India

Appn to register TM

15983 MdOp

Lena Office of

Fax + Mail

2.3

15984 MdOp

William H. Holt

Appn to register TM

USA

13439 ANH

TUV Product Services

Letter and Korean 1st

Furnham

PoA

FAO Gail Omerod

15984 MdR

Nigel Shano

Letter and PoA

1st

Arlington

for bag + loan for  
returningFriday 4 August 2006

15983 MdOp

OHM

Fax Only

15984 MdOp

Alcantara

Request for cost

15985 MdOp

copy of appn

15819 MdH

Kinder McCauley

Courier

SSC 1

C

Letter and forms

USA

for signature

15998 MdH

T. Reading 401.8

Blue Covered

bx

Mike Bower, Preston

copies

Bob Paul 401.8

Ross Morgan 149

Clive Lee Tuffnell, Poole

John Lander, H9

→ Linda Tel 4/9/06.  
May be back  
in office next week.

→ Tel: Linda 14.9.06  
She'll deal with them - when she  
has time....

→ Tel: 17/10/06 message left  
- she'll deal this week (or so)  
- she needs to be paid/reimbursed.

**J: ie Mannion**

---

**From:** Peter Mansfield  
**Sent:** 17 October 2006 16:50  
**To:** lmccausland@SSCI-INC.com  
**Subject:** Documents for signature

To Linda McCausland

Re: removal of sodium oxalate

ref: 15819 MdH



Dear Linda

Thanks for discussing the matter of the various documents that you are signing relating to the above case.

You suggested that there might be some outstanding cost implications. You are of course right that last summer you had your signature witnessed by a notary - that was for documents on the cases 15864 and 15865 MdH. But as far as those were concerned, we then received an invoice from SSCI last year, which has been paid.

As regards the current set of papers - the ones that Frances sent you on 4th August - you will recall that we had hoped to see you while you were in the UK. That would have provided a convenient opportunity to hand over the requisite £2. Since that didn't work out, we'll have to find another route. We'll be sending you some more papers on 15864 and 15865 MdH in the next week or so (equivalent to the ones already sent you on 15819 MdH), so that'll provide a convenient opportunity for dealing with the payments all at once.

I look forward to hearing from you.

Best wishes

Peter

Peter Mansfield  
IP Solutions, Fugro House, Hithercroft Road, Wallingford, Oxon., OX10 9RB, UK

18/10/2006

**Joe Mannion**

**From:** Peter Mansfield  
**Sent:** 18 October 2006 09:19  
**To:** Linda McCausland  
**Subject:** RE: Documents for signature

✓ Tel: 28/11/06 message  
 Linda is travelling (on business)  
 for the next two weeks.  
 ✓ Tel: 12.12.06 Linda - just back from trip US + EU.  
 - off again soon.  
 - will do this...

Dear Linda

The symbolic payment of £1 applies only to the US and Canada. That's why it's only £2 so far.  
 If there are (as I expect) equivalent forms for the other two cases (15864 & 15865 MdH), then it will amount to £6.

Best wishes  
 Peter

---

**From:** Linda McCausland [mailto:lmccausland@SSCI-INC.com]  
**Sent:** 17 October 2006 17:40  
**To:** Peter Mansfield  
**Subject:** RE: Documents for signature

Dear Peter,

Since leaving Accentus I have signed several patent documents and have not received the one GBP payment for any these. Off the top of my head I can't remember how many there were, but certainly more than 2. I also took the time to visit your notary in Abingdon to sign some documents last May.

I will put together an invoice for my time in addressing these issues, perhaps you could let me have the correct figures for the monies I'm owed and I'll add it to the invoice.

Best Regards,  
 Linda

---

**From:** Peter Mansfield [mailto:peter.mansfield@ip-solutions.biz]  
**Sent:** Tuesday, October 17, 2006 11:50 AM  
**To:** Linda McCausland  
**Subject:** Documents for signature

To Linda McCausland

Re: removal of sodium oxalate

ref: 15819 MdH ✓

Dear Linda

Thanks for discussing the matter of the various documents that you are signing relating to the above case.

You suggested that there might be some outstanding cost implications. You are of course right that last summer you had your signature witnessed by a notary - that was for documents on the cases 15864 and 15865 MdH. But as far as those were concerned, we then received an invoice from SSCI last year, which has been paid.

As regards the current set of papers - the ones that Frances sent you on 4th August - you will recall that we had hoped to see you while you were in the UK. That would have provided a convenient opportunity to hand over the requisite £2. Since that didn't work out, we'll have to find another route. We'll be sending you some more papers on 15864 and 15865 MdH in the next week or so (equivalent to the ones already sent you on 15819 MdH), so that'll provide a convenient opportunity for dealing with the payments all at once.

18/10/2006

**Joanne Mannion**

---

**From:** Peter Mansfield  
**Sent:** 18 December 2006 17:07  
**To:** Linda McCausland  
**Subject:** Re: document signatures

To Linda McCausland

Re: document signatures

Dear Linda

Could you please give me an update as to when you will be getting those documents back to us? That is to say the documents on 15819 that Frances sent you in August, and the documents on 15864 and 15865 that I sent you more recently, that needed your signature.

We will be having an update meeting with Philip Agg in the next couple of days, who will want to know when this will be completed.

I look forward to hearing from you.

Best wishes for Christmas and the New Year!

Peter

19/12/2006

**Ja 'ie Mannion**

---

**From:** Peter Mansfield  
**Sent:** 02 February 2007 17:57  
**To:** Linda McCausland (linda.mccausland@aptuit.com)  
**Subject:** Re: signatures! Ref: 15819 etc

To Linda McCausland

Re: signatures!                      Ref: 15819 etc

Dear Linda

I understand that you are currently in Europe and the UK (temporarily). If you are going to be anywhere near Oxfordshire in the next few days I would be happy to bring the papers over to you to make it easy for you to deal with the necessary signatures on the various documents that we are still waiting for. If that would be possible, please get in touch with me by e-mail or phone.

Look forward to hearing from you!

Best wishes

Peter Mansfield

IP Solutions  
Fugro House, Hithercroft Road, Wallingford, Oxon., OX10 9RB  
0870 402 1626

05/02/2007

IN THE MATTER OF UNITED STATES PATENT APPLICATION  
Serial No. 11/571,718, McCausland, Linda Jane *et al.*

(File 15862)



# ipsolutions

Fugro House  
Hithercroft Road  
Wallingford  
Oxfordshire  
OX10 9RB  
United Kingdom  
Tel: +44 (0)870 402 1614  
Fax: +44 (0)870 402 1659  
www.ip-solutions.biz

**COURIER** on 22 Dec 2006

SSCI Inc.  
3065 Kent Avenue  
West Lafayette  
In 47906  
USA

For the Attention of Linda McCausland

Reference: 15862 MdH ✓

Dear Linda

## RE: SUGAR TREATMENT

I hope you have had an enjoyable break over the Christmas period and that you are enjoying the New Year.

... Here is the last set of forms for your signature. In this case it is only forms for the USA: a US declaration and a US assignment. And the assignment has been simplified so that no witness signatures are necessary.

Please sign both documents **on the same day**, and send them both back to me.

I am aware that Accentus will owe you £7 for the US and Canadian assignments for 15819 MdH, 15864 and 15865 MdH, and the US assignment for this case. Please tell me if you incur any further expenses (such as postage). And tell me if you'd rather we paid you in pounds or dollars, and I'll arrange for a cheque.

Best wishes.

Yours sincerely

**Peter Mansfield**

Monday 21 December 2006

MAX

Deurenberger

Stockport

Fax Only

South African grant

no.

Monday 22 December 2006

5862 MdH

Bill Holt

USA

letter faxed +

carrier

letter and intl pubn  
SA, UKSR, Citations  
Request, Drugs, new  
decisions

5862 MdH

Deurenberger

Stockport

Fax Only

EP app no.

5862 MdH

"

"

HK grant no.

5862 MdH

"

"

OACI filing notification

PA75775/01

"

"

Feb. ren. decisions

5862 MdH

hinda McCumland

SSCI Inc

USA

Carrier

letter and. US ann.  
+ US Doc. for sig.

5862 MdH

Corroding

Rumier

Fax + Mail

64

letter re Office Action  
and new figure

75/26

clerk Model

Spain

Fax + Mail

83

letter and. PoA +  
Assn. dead

15910 Mdx

Denninger & Co.  
Stockport

Fee Only  
Canadian app. no.

15912 Mdx

Patent Office  
Newport

Cost of Posting  
F23/77 for, Taiwan &  
Malaysia, fee sheet  
fe 287

✓ Thursday

19 January 2006

15580 LgCh

Bill Hall  
USA

Fax + Mail  
Response to office  
action

→ 15862 MdH

Linda McCausland  
USA

← Copy of published  
PCT spec

N. Mexted  
Didcot

A J Brown  
Reading

J. H. Smith  
Pangbourne

→ 15865 MdH

Linda McCausland  
USA

← Copy of published  
PCT spec

Martin Fennell  
Ireland

IN THE MATTER OF UNITED STATES PATENT APPLICATION  
Serial No. 11/629,894, McCausland, Linda Jane *et al.*

(File 15864)

**ipsolutions**

Linda McCausland  
909 Windsor Drive,  
West Lafayette,  
IN 47906  
USA

Fugro House  
Hithercroft Road  
Wallingford  
Oxfordshire  
OX10 9RB  
United Kingdom  
Tel: +44 (0)870 402 1614  
Fax: +44 (0)870 402 1659  
www.ip-solutions.biz

Our reference: 15864 and 15865 MdH

30.10.06

Dear Linda

## THE GIBBSITE AND SILICA INVENTIONS

As I predicted would happen, the decision has been made to file patent applications for the other two inventions with which you were involved. I therefore enclose the two batches of papers for your signature. In each case the papers are as follows:

Brazil	Declaration (just needs your signature, with the date and place of signing)
ARIPO	Assignment (just needs your signature, with the date next to it)
Canada	Assignment (needs signature, and date and place of signing; and also a witness)
South Africa	Assignment (just needs signature and date)
USA	Combined Declaration (just needs signature and date)
USA	Assignment (needs signature, and date and place of signing; and two witnesses to sign and complete the information as indicated)

The two US forms must be signed (and dated) on the same day.

Please deal with these as soon as you can - and the earlier papers Frances sent you on 15819 MdH - and then return them all to me. Thank you very much. And please tell me if any costs are incurred, so I can ensure you are recompensed.

I look forward to hearing from you.

Yours sincerely

**Peter Mansfield**

15830 TPC	Dennemeyer + Co. Stockport	Fax Only EP Pubn No.	
-----------	-------------------------------	-------------------------	--

15838 MDR	Spoor + Fisher Jersey	Fax Only letter re change of address of CTL	
-----------	--------------------------	---	--

15864 MDR	Goodwin + Partners Rusier	Fax + Mail letter re grant + renewal by fax. incl. PoA for Compact CTL	
-----------	------------------------------	---	--

✓ Monday 30 October 2006

→ 15864 MDR	Martin Fennell	Forms for signature	1.21 ←
→ 15865 MDR	... Ireland		

→ " "	Linda McCausland USA	" "	2.31 ←
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15849 MDR	Giffiths Hark Australia	Fax + Mail letter re exam report incl. amended claims + claims showing amendments	1.66
-----------	----------------------------	---	------

15819 MDR	Dennemeyer Stockport	Fax Only Canada appn. no.	
-----------	-------------------------	------------------------------	--

Tuesday 31 October 2006

15895 TPC	Makela Adams, Wantage	UK pubn	44
	S. Braham, Wantage		44
	C. Duffy Oxford		44

✓ Wednesday 4 January 2006

15852 Mdx

D. Kolbov

Boskhouse, Lancashire

Mike Frost, Eastleigh

B. Zehnder, Locke Heath

H. White, London

T. Robins, Bridgwater

Carl Solfeld, Rostock

Pubn. PCT spec

093

2000 EP 431

12/10/05

→ 15864 Mdx

Linda McQuinn

USA

Mentia Fennell, Ireland

Pubn. PCT spec

→

Friday 6 January 2006

14919 LgH

Nabamuna + Partners

Japan

Allowance to lapse

15146

Surface Enhancement Technology Trade Marks due

15149 LgH

Estevan

for renewal

15830 Tpcn

IPEA

EPO Munich

Fee + Council

Letter and Chapter II

Demand Form, New claims

+ Fee sheet + F1037

15552 LgH

Geoff Eckold

551.11

Novus PoA

PA13/02/01

EPO

Munich

Letter and PoA

15651 Mdx

Nabamuna + Partners

Japan

Fee + Mail

Request exam.

IN THE MATTER OF UNITED STATES PATENT APPLICATION  
Serial No. 11/571,688, McCausland, Linda Jane et al.

(File 15865)



Linda McCausland  
909 Windsor Drive,  
West Lafayette,  
IN 47906  
USA

Fugro House  
Hithercroft Road  
Wallingford  
Oxfordshire  
OX10 9RB  
United Kingdom  
Tel: +44 (0)870 402 1614  
Fax: +44 (0)870 402 1659  
www.ip-solutions.biz

Our reference: 15864 and 15865 MdH

30.10.06

Dear Linda

## THE GIBBSITE AND SILICA INVENTIONS

As I predicted would happen, the decision has been made to file patent applications for the other two inventions with which you were involved. I therefore enclose the two batches of papers for your signature. In each case the papers are as follows:

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Canada	Assignment (needs signature, and date and place of signing; and also a witness)
South Africa	Assignment (just needs signature and date)
USA	Combined Declaration (just needs signature and date)
USA	Assignment (needs signature, and date and place of signing; and two witnesses to sign and complete the information as indicated)

The two US forms must be signed (and dated) on the same day.

Please deal with these as soon as you can - and the earlier papers Frances sent you on 15819 MdH - and then return them all to me. Thank you very much. And please tell me if any costs are incurred, so I can ensure you are recompensed.

I look forward to hearing from you.

Yours sincerely

**Peter Mansfield**

15830 TPC	Dancewager + Co. Stockport	Fax Only EP Pubn No.	
15838 MDR	Speer + Fikes Jersey	Fax Only letter re change of address of CTL	
15844 MDR	Corochinsky + Partners Rusien	Fax + Mail letter re grant + renewal fees. and. PoA for Compact CTL	64
<u>Monday 30 October 2006</u>			
✓ 15846 MDR	Martin Fennell	Forms for signature	1.21
✓ 15865 MDR	..... Lickind	.....	
→ " "	Linda McCausland USA	" "	2.31 ←
15849 MDR	Griffith Hark Australia	Fax + Mail letter re exam report and. amended clause + clause changing amendments	1.66
15849 MDR	Dancewager Stockport	Fax Only Canada appn. no.	

Tuesday 31 October 2006

15895 TPC	Makala Adams, Wantage	UK pubn	44
	S. Braham, Wantage		44
	C. Duffy Oxford		44
	J. Wainwright Grove		44

15910 MdX

Dennery & Co.  
Stockport

Fax Only  
Canadian app. no.

15912 MdX

Patent Office  
Newport

Cert of Posting  
F23/77 for Taiwan &  
Malaysia, fee sheet  
fe 287



Thursday

19 January 2006

15580 LgCh

Bill Holt

USA

Fax + Mail

Response to office  
action

→ 15862 MdH

Hinda McCausland  
USA

Copy of published  
PCT spec ←

N. Mervat  
Didcot

A J Brown  
Reading

I. H. Smith  
Pangbourne

→ 15865 MdH

Hinda McCausland  
USA

Copy of published  
PCT spec ←

Martin Fennell  
Ireland